



INDIANA DEPARTMENT OF TRANSPORTATION

(Posted Sept. 14, 2015) INDOT and the Federal Highway Administration (FHWA) have kicked off an effort to establish and clarify how and when the two agencies communicate with Native American tribes that have historic roots in areas that may be affected by roadway projects.

Historically, INDOT has notified and consulted with tribal representatives on major construction projects, such as the I-69 extension from Evansville to Indianapolis. However, this consultation was often conducted informally on a case-by-case basis. As a result, some tribes were not notified in advance of projects in culturally sensitive areas, or were not given the opportunity to discuss their cultural concerns with INDOT prior to project planning or construction.

A two-day consultation workshop, held Aug. 25-26, marked the first step toward remedying this situation. INDOT officials and tribal representatives met to begin laying the groundwork for a Memorandum of Understanding (MOU) that will establish notification and communication procedures on INDOT projects.

The MOU will also help INDOT better fulfill its responsibilities under Section 106 of the National Historic Preservation Act, which requires agencies to evaluate the impact of federally funded or permitted projects on historic properties and consult with any Native American tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking. Because many INDOT projects receive federal funding, the FHWA co-hosted the workshop, which also included representatives of the Indiana Department of Natural Resources.

Commissioner Brandye Hendrickson welcomed the tribal representatives to the initial workshop meeting. The meeting was attended by tribal representatives of the Pokagon Potawatomi, Delaware, Chippewa Cree, Eastern Shawnee, Miami tribe of Oklahoma, Peoria tribe of Oklahoma, and others.



Commissioner Brandye Hendrickson opens the tribal workshop.



George Strack of the Miami tribe of Oklahoma (from left) and Marcus Winchester of the Pokagon Potawatomi tribe consult during the workshop.

"I think a unified objective for all of our tribes is to establish a long-term sustaining relationship with INDOT and the FHWA in general," said George Strack, of the Miami tribe of Oklahoma. "To develop policies and steps to recognize our tribal homelands in the state of Indiana is the goal for all of us."

Alvin Windy Boy Sr., a member of the Cree and Ojibwe tribes, traveled from Montana to represent his tribes at the workshop.

"We've not been exposed to this type of communication with any state. This allows us to become a partner," he said. "We've been invited here to create a document that allows my tribe, for the first time, to be involved in the planning process."

"I've been involved in several projects in other states that desecrated sites. We can't restore those sites, but we can preserve sites before they get to that point in the future," said Windy Boy Sr.

INDOT's Cultural Resources Office worked with tribal representatives for nearly a year to set up the initial kickoff workshop.

"This workshop is an attempt to bring together all the tribes that have an ancestral interest in certain areas of our state," said Patrick Carpenter, manager of INDOT's Cultural Resources Office. "Over the next several months, we will meet a lot of their representatives and get to know how we can work with them in the future."

INDOT has occasionally turned up evidence of ancient Native America habitation on construction projects. For example, Archeological Team members worked for two years to document a Native American habitation site after an archeological survey of a proposed bridge replacement in eastern Scott County revealed the presence of prehistoric artifacts.

"We haven't received any major objections from Native American tribes about how we've dealt with possibly culturally sensitive sites in the past, but they've expressed some concerns," Carpenter said. "What we want to do is establish some agreed-upon procedures so that we can avoid any future problems during project development or construction."

The workshop is the first step in working toward a final agreement on how to improve communication and coordination between INDOT, the FHWA, and the tribes," he said. "Our consultation has been positive in the past. We just want it to be consistent and predictable."

It may take several months for INDOT and the tribes to hammer out a final version of the MOU. In the meantime, INDOT will continue working to deepen its relationships with Indiana's Native Americans.



Alvin Windy Boy Sr., (from left) and Rick Marquis, division administrator of FHWA Indiana, discuss project communication.